

Exhibit B

John Francis Myklusch

11/03/2006

08:47:27

UNITED STATES DISTRICT COURT

08:47:27

FOR THE DISTRICT OF MASSACHUSETTS

08:47:27

08:47:27

IN RE:

08:47:27

**CERTIFIED ORIGINAL
LEGALINK BOSTON**

08:47:27

SONUS NETWORKS, INC.,

08:47:27

LITIGATION

08:47:27

Civil Action No.

08:47:27

04-10294-DPW

08:47:27

Lead Case

08:47:27

08:47:27

9:30 a.m.

November 3, 2006

08:47:27

399 Park Avenue

08:47:27

New York, New York

08:47:27

08:47:27

DEPOSITION of JOHN FRANCIS MYKLUSCH, a

08:47:27

Witness in the above entitled matter, taken
pursuant to Notice, before Stephen J. Moore, a

08:47:27

Registered Professional Reporter, Certified
Realtime Reporter, and Notary Public of the
State of New York.

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JOHN MYKLUSCH

09:39:48 2 A We are a registered investment
09:39:50 3 advisor under the '40 Act.

09:39:57 4 Q What's the relationship between
09:39:58 5 Trilogy Global Advisors and BPI Global Asset
09:40:00 6 Management?

09:40:02 7 A Trilogy Global Advisors was the
09:40:06 8 entity that was created when Trilogy Advisors
09:40:09 9 and BPI Global Asset Management merged
09:40:12 10 together.

09:40:12 11 Q When did that happen?

09:40:14 12 A That happened in May of 2005.

09:40:24 13 Q So, is BPI Global Asset
09:40:25 14 Management still in existence?

09:40:28 15 A BPI Global Asset Management has
09:40:30 16 been merged into Trilogy Global Advisors.

09:40:45 17 MS. COFFEY: Can we mark as
09:40:46 18 Exhibit 1 the amended notice of taking
09:40:49 19 deposition of the amended notice of
09:40:54 20 taking of deposition of BPI Global Asset
09:40:57 21 Management.

09:40:58 22 (The above described document was
09:40:58 23 marked Exhibit 1 for identification as of
09:41:36 24 this date.)

09:41:39 25 Q The stenographer has just marked

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JOHN MYKLUSCH

1
09:42:45 2 Q What is your position, for
09:42:47 3 shorthand is it okay if I refer to it as
09:42:49 4 Trilogy?

09:42:50 5 A That's fine.

09:42:50 6 Q What is your position at
09:42:51 7 Trilogy?

09:42:52 8 A I am the Chief Financial Officer
09:42:54 9 and I am the Chief Compliance Officer.

09:43:05 10 Q What are your duties and
09:43:06 11 responsibilities as Chief Financial Officer?

09:43:11 12 A It's the financial management of
09:43:13 13 Trilogy Global Advisors as an entity as it
09:43:16 14 relates to our current business plan, or our
09:43:18 15 current goals of the entity, so fiscal
09:43:21 16 management.

09:43:33 17 Q On a day-to-day basis what does
09:43:35 18 that entail?

09:43:38 19 A Interacting with my Comptroller
09:43:40 20 on different financial matters, reviewing
09:43:45 21 client contracts, ensuring appropriate payments
09:43:51 22 have gone in, fiscal matters are done in a
09:43:55 23 correct way, budgeting, it can be any one of a
09:44:00 24 number of fiscally related items.

09:44:03 25 Q You mentioned interacting with

1 JOHN MYKLUSCH

09:49:12 2 Why does it matter? Where is the
09:49:15 3 relevance of it?

09:49:17 4 MS. COFFEY: You can go ahead and
09:49:18 5 answer the question.

09:49:22 6 A On the finance side Rose
09:49:23 7 Blechner who is the Comptroller and Camille
09:49:28 8 Whitsett.

09:49:41 9 Q What's Camille Whitsett's
09:49:43 10 position?

09:49:43 11 A Camille is a Vice President
09:49:47 12 with -- she is either a Vice President or an
09:49:49 13 associate currently, I am not sure as to which
09:49:51 14 title she currently holds.

09:49:59 15 Q So you have been employed by
09:50:00 16 Trilogy since the merger in 2004, correct?

09:50:05 17 A I was employed before that and
09:50:07 18 after that.

09:50:08 19 Q Right, and before the merger you
09:50:10 20 were employed by BPI?

09:50:12 21 A Trilogy Global, I have worked
09:50:13 22 for Trilogy Global Advisors.

09:50:18 23 MR. CERA: Go ahead, let him
09:50:19 24 finish.

09:50:23 25 A In 1999 I began working with

1 JOHN MYKLUSCH

09:50:25 2 Trilogy Advisors. When we merged I became a
09:50:30 3 dual officer and dual titles with BPI and
09:50:36 4 Trilogy Advisors and Trilogy Global Advisors
09:50:42 5 and I hold the majority of those titles today.

09:50:48 6 **Q So in 1999 when you began**
09:50:49 7 **working with Trilogy Advisors what was your**
09:50:51 8 **position?**

09:50:53 9 **A** I was the Chief Financial
09:50:54 10 Officer and Compliance Officer, and I did not
09:51:00 11 take on a Chief Compliance Officer role until I
09:51:04 12 believe it was mandated by the rule that the
09:51:08 13 SEC has most recently passed regarding that.

09:51:12 14 **Q Did those positions change prior**
09:51:14 15 **to the merger?**

09:51:16 16 **A** Do you mean did the titles
09:51:17 17 change?

09:51:18 18 **Q Yes.**

09:51:20 19 **A** I believe the rule required
09:51:22 20 was -- I believe the rule for Chief compliance
09:51:27 21 officers predated our merger, so yes.

09:51:30 22 **Q Otherwise were there any changes**
09:51:31 23 **in your titles prior to the merger?**

09:51:33 24 **A** I most likely have received some
09:51:35 25 merit increases, I believe I started as a Vice

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10:26:22 2 Q Why did you speak with

10:26:23 3 Mr. Sweeney about the Sonus case?

10:26:26 4 A Because I would consider him to
10:26:28 5 be one of the more knowledgeable persons about
10:26:30 6 what had gone on or where the case stood or the
10:26:32 7 positions that BPI had.

10:26:35 8 Q Have you read the complaint in
10:26:36 9 this case?

10:26:41 10 A I have read the complaint, I
10:26:44 11 don't know if I read every word, but I read the
10:26:47 12 majority of it.

10:26:48 13 Q Do you know the basic
10:26:49 14 allegations?

10:26:50 15 A I do know the basic allegation.

10:26:53 16 Q Could you describe it?

10:26:54 17 A My understanding is that Sonus
10:27:00 18 had made what were allegedly misstatements in
10:27:09 19 securities filings and there are instances
10:27:12 20 of -- alleged instances of revenue manipulation
10:27:21 21 inside of these filings which required
10:27:24 22 restatements to these filings.

10:27:31 23 Q Do you know how BPI Global came
10:27:32 24 to be a Plaintiff in this case?

10:27:36 25 A I was not affiliated at the

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time, so no.

Q Do you know where the lawsuit is pending?

A In Boston, I believe.

Q Do you know if it's state or federal court?

A I believe the charges are -- securities are federal, so it would have to be a federal court.

Q Do you know what the status of this case is?

A I believe it is awaiting class action certification, which is where it stands today.

Q Do you know the name of the judge?

A I know it starts with a W, I don't recall his exact last name.

Q Do you know if there has been a trial set in this case?

A I believe there has been a date set for February next year.

Q Other than Mr. Sweeney, have you -- and Mr. Kileen, have you spoken to

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anyone else about this litigation?

A I discussed earlier that I discussed this litigation with several colleagues in the industry.

Q Anyone else other than Mr. Cera and Ms. Markert?

A I would say the management of Trilogy has been kept apprised at a generic level of the case.

Q What has your involvement in this case thus far entailed?

MR. CERA: I object to form. Go ahead.

A I would say from the point in which I picked it up, the two matters that I was involved most closely with were the interrogatories which are mentioned in this document in front of me, and the document collection.

Q Anything else?

A Probably had a number of conversations with counsel surrounding the Sonus case, in particular when I picked up after Chuck had left the company, I had a

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10:43:58 2 the investment person, so not the trader.

10:44:01 3 Q Who is the trader?

10:44:02 4 A His name was Kyle, Kyle Anderson
10:44:04 5 was his name.

10:44:09 6 Q What was Dan Jaworski's
10:44:11 7 position?

10:44:11 8 A My understanding is CIO.

10:44:17 9 Q What about John Sorenson?

10:44:19 10 A I do not know the titles of the
10:44:22 11 remainder of those individuals.

10:44:24 12 Q Or Paul Holland?

10:44:33 13 A No.

10:44:41 14 Q We have been talking about this
10:44:42 15 merger between -- can we go off the record.

10:44:47 16 (Discussion off the record.)

10:45:48 17 MS. COFFEY: We can go back on
10:45:49 18 the record now.

10:45:53 19 Q Perhaps it's a good time to
10:45:54 20 clarify, does BPI Global currently exist?

10:45:59 21 A BPI Global Advisors was merged
10:46:03 22 up and into Trilogy Global Advisors, but in the
10:46:07 23 merger agreement we left a stipulation so that
10:46:10 24 lawsuits in its name could proceed in its name.

10:46:15 25 Q Other than that stipulation does

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BPI Global still exist?

MR. CERA: I object to the form,
calls for a legal opinion and
conclusion.

A My understanding is it's --

MR. CERA: Do you have anything
to add to --

THE WITNESS: No.

A It's Trilogy Global Advisors
now.

Q I am going to ask you the
question one more time just so I can make sure
you are answering the right question.

Other than the stipulation you
mentioned regarding the lawsuits moving forward
in the name of BPI Global, is BPI Global still
in existence?

A Only as it relates to its merger
inside of Trilogy Global Advisors.

Q What was the role -- to your
knowledge what was the role of CI Mutual Funds
and the preparation of the Complaint?

MR. CERA: Objection to the form,
may call for privileged communication.

1 JOHN MYKLUSCH

11:14:42 2 I'm sorry, I'm not going to permit
11:14:44 3 that. Is that what you are planning on
11:14:45 4 doing?

11:14:47 5 MS. COFFEY: Unless you are
11:14:47 6 objecting on grounds of privilege he is
11:14:48 7 required to answer the question.

11:14:50 8 MR. CERA: That is just a
11:14:51 9 complete, abject waste of time and you
11:14:53 10 know that's inappropriate.

11:14:56 11 **Q Mr. Myklusch, you were tasked**
11:14:57 12 **with responding to these interrogatories,**
11:14:59 13 **correct?**

11:15:00 14 A Yes.

11:15:00 15 **Q Did you review these definitions**
11:15:02 16 **and instructions when you were responding to**
11:15:05 17 **them?**

11:15:06 18 A We relied on counsel to answer
11:15:09 19 or to assist us in answering these questions
11:15:11 20 correctly.

11:15:13 21 **Q So, did you review these**
11:15:14 22 **definitions and instructions in responding to**
11:15:16 23 **these interrogatories?**

11:15:18 24 A No, we would have relied or I
11:15:19 25 would have relied on counsel to make sure my

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11:15:21 2

answers were appropriate given the rules stated

11:15:26 3

in the rules that apply in interrogatories such

11:15:30 4

as this.

11:15:35 5

Q Let me turn then to item H on

11:15:37 6

Page 2 which defines the term short sale. Can

11:15:45 7

you tell me what the term short sale means to

11:15:48 8

you?

11:15:49 9

A The term short sale is when an

11:15:52 10

individual borrows a security, usually on

11:15:55 11

margin, creates a loan for that security, and

11:15:59 12

then sells it creating the obligation to repay

11:16:02 13

back that security.

11:16:07 14

Q Item I on Page 2, the term hedge

11:16:09 15

or hedging transaction, can you tell me what

11:16:12 16

the term hedging transaction means to you?

11:16:14 17

MS. MARKERT: Are you asking for

11:16:14 18

something different other than what you

11:16:14 19

defined in the interrogatory, Melissa?

11:16:14 20

I'm a little confused.

11:16:20 21

MS. COFFEY: Is that an

11:16:21 22

objection?

11:16:25 23

MS. MARKERT: No, I'm just asking

11:16:25 24

for clarification, I don't understand

11:16:25 25

the question.

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11:31:55 2 would have been the only persons, but I have to
11:31:57 3 assume that all matters in relation to this
11:32:02 4 case probably went through Chuck.

11:32:06 5 **Q Are you aware of whether any**
11:32:08 6 **communications have occurred between the lead**
11:32:16 7 **Plaintiff and any member of the purported class**
11:32:18 8 **or subclass since these interrogatories were**
11:32:20 9 **signed?**

11:32:20 10 **A I have no knowledge of any.**

11:32:24 11 **Q Are you aware there is a**
11:32:25 12 **continuing obligation to supplement the**
11:32:27 13 **responses to interrogatories?**

11:32:29 14 **A I am aware of a continued**
11:32:33 15 **requirement to discover additional items under**
11:32:38 16 **the interrogatories, or as we find other**
11:32:41 17 **documents that would have been required under**
11:32:44 18 **the document requests.**

11:32:51 19 **Q Page 6, Exhibit 3.**
11:32:54 20 **Interrogatories number 4,**
11:32:56 21 **identify each person or former officer,**
11:32:58 22 **director or employee of Sonus with whom**
11:33:02 23 **eventually lead Plaintiff has had any**
11:33:05 24 **communication.**

11:33:06 25 **Can you tell me the process you**

1 JOHN MYKLUSCH

11:33:07 2 understood to respond to this interrogatory?

11:33:09 3 A I worked with counsel to answer
11:33:11 4 this question. I believe counsel was able to
11:33:16 5 uncover themselves the fact that there were
11:33:20 6 none.

11:33:25 7 Q Did you take any steps
11:33:26 8 independent of counsel to determine that?

11:33:29 9 A I had none.

11:33:33 10 MR. CERA: You had no
11:33:34 11 communications of this kind?

11:33:35 12 A I had no communications of this
11:33:36 13 kind.

11:33:41 14 Q Who would know if these
11:33:42 15 communications occurred?

11:33:48 16 A Chuck Sweeney would be the only
11:33:49 17 other person, but my understanding is that an
11:33:55 18 interview or counsel had helped answer this
11:33:58 19 question.

11:34:03 20 Q On Page 7, interrogatory number
11:34:07 21 5, identify all securities analysts with whom
11:34:13 22 lead Plaintiff has had communication concerning
11:34:15 23 the facts set forth in the Complaint.

11:34:18 24 What steps did you take to
11:34:19 25 respond to this interrogatory?

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Complaint, provide certain information about the document, person name, time and place where the source gave the information, et cetera.

What steps were taken to respond to this interrogatory?

A It's my understanding counsel had conversations with both Chuck Sweeney and John Bichelmeyer to make them comfortable that they were the only individuals who would have had knowledge like this.

Q Were you involved in interviewing -- were you involved in interviewing individuals who may have had information regarding these interrogatories?

A Not every single interrogatory.

Q Were you involved in those interviews for any of the interrogatories we have reviewed so far?

A Yes.

Q Which ones?

A 1 and 2.

Q So, with regards to 3, 4, 5 and 6, did you have any -- did you participate at all in coming up with a response to those

1 JOHN MYKLUSCH

11:40:38 2 **interrogatories?**

11:40:41 3 A Would have worked with counsel
11:40:42 4 to ensure that the answers that we were putting
11:40:46 5 are correct and their steps were taken were
11:40:50 6 correct to answering the questions.

11:40:52 7 Q Were you involved before the
11:40:53 8 responses were drafted?

11:40:54 9 A Was I involved before the --
11:40:56 10 MR. CERA: I object to form.

11:40:59 11 A I definitely saw the
11:41:00 12 interrogatories before responses were drafted.

11:41:05 13 Q Were you involved in responding
11:41:06 14 to interrogatories 3, 4, 5 and 6 before the
11:41:09 15 responses were drafted?

11:41:11 16 A In the process of answering the
11:41:13 17 interrogatories I would have had a conversation
11:41:15 18 with counsel about all of the interrogatories
11:41:17 19 and what steps that we felt were the best
11:41:19 20 methods of answering the interrogatories.

11:41:26 21 Q Okay.

11:41:32 22 Let's move to Page 9, to
11:41:34 23 interrogatory number 7.

11:41:50 24 Actually let's move on to the
11:41:51 25 response to number 6 on Page 9 also.

1 JOHN MYKLUSCH

11:53:59 2 Plaintiff's response to interrogatory number 8.

11:54:04 3 What was the process for
11:54:05 4 responding to this interrogatory?

11:54:06 5 A This is the document discovery
11:54:08 6 process which we feel was a pretty
11:54:11 7 comprehensive process.

11:54:17 8 Q Interrogatory number 10,
11:54:18 9 identify any fee arrangement or agreement
11:54:20 10 between you and any person regarding the
11:54:21 11 payment of attorneys' fees or costs in this
11:54:23 12 action.

11:54:25 13 The response references a
11:54:27 14 responsive document which I believe is the fee
11:54:29 15 arrangement, the engagement letter between BPI
11:54:31 16 and Mr. Cera's law firm.

11:54:34 17 Are you aware of any other fee
11:54:36 18 arrangement or fee agreement?

11:54:37 19 A No.

11:54:38 20 Q What was done to respond to this
11:54:40 21 request?

11:54:42 22 A I had seen that letter and my
11:54:43 23 understanding is a copy -- I believe a redacted
11:54:46 24 copy of that letter was provided.

11:54:50 25 Q Was there any investigation into

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whether any other arrangements existed?

A I had discussion with counsel at the time these interrogatories were produced, we discussed whether there were any others and they said no.

Q Interrogatory number 11, identify every legal, court, administrative, regulatory or quasi-judicial proceeding in which you in any way have been involved within the last 10 years, including but not limited to as a party litigant, indemnitor or witness.

And their response lists in re: Turkcell, I can't pronounce that securities litigation.

What was done to respond to this request, this is this interrogatory, excuse me?

A I believe counsel spoke to Chuck Sweeney and probably did a search on the name, but I'm not aware of the full extent of the process that went into responding to number 11.

Q Are you aware of any other proceedings in which BPI or any of its representatives was involved?

A I am not aware of any others.

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Q So, no proceedings in which BPI was involved as a litigant?

A I am aware of no other proceedings in which BPI was a litigant.

Q Or an indemnitor?

MR. CERA: Objection to the form.

A None to my knowledge.

Q Or a witness?

A Not to my knowledge.

Q Are there any ongoing efforts to continue to respond to these interrogatories or supplement the responses?

MR. CERA: I object to form.

A I am relatively certain that to the extent any other information was required to be provided under these interrogatories, counsel would bring that matter to my attention.

Q Are there any ongoing efforts to respond to these interrogatories?

MR. CERA: Objection to the form.

A Other than our discussions with counsel, I would say no.

MS. COFFEY: Can we go off the

1 JOHN MYKLUSCH

11:56:59 2 record.

11:57:12 3 (At this point in the proceedings
11:57:12 4 there was a luncheon recess, after which
11:57:12 5 the deposition continued as follows:)

12:35:18 6 MR. CERA: Before we begin, I
12:35:19 7 wanted to say that we have considered
12:35:20 8 your request that you be allowed to
12:35:22 9 inquire into the communications with
12:35:23 10 Mr. Kileen and you may go ahead and do
12:35:27 11 so.

12:35:28 12 MS. COFFEY: Okay, thank you.

12:35:30 13 Q Mr. Myklusch, welcome back, I
12:35:32 14 hope you had a good break.

12:35:35 15 Let's return to that now, the
12:35:38 16 issue of your conversations with Michael Kileen
12:35:40 17 who was counsel for CI Mutual Funds regarding
12:35:43 18 this litigation.

12:35:46 19 What was the substance of your
12:35:48 20 conversations with Mr. Kileen?

12:35:50 21 A We had discussions regarding the
12:35:51 22 broad strokes of the Sonus suit.

12:35:59 23 Q How many discussions occurred?

12:36:01 24 A I think we had two discussions
12:36:02 25 regarding Sonus.

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12:36:04 2

Q Who initiated those discussions?

12:36:05 3

A I did in both instances.

12:36:07 4

Q Why did you initiate those

12:36:09 5

discussions.

12:36:09 6

A In the first instance it was

12:36:12 7

when I had, I would say, picked up where Chuck

12:36:17 8

left off with regard to Sonus, just his general

12:36:21 9

knowledge of the case and just broad strokes

12:36:23 10

about the Sonus case, and the second was in the

12:36:28 11

case of when we were required to provide

12:36:31 12

documents, I solicited Mike Kileen's help with

12:36:35 13

the delivery of documents that were requested.

12:36:41 14

Q Why did you, regarding you

12:36:43 15

picking up where Mr. Sweeney left off, why did

12:36:45 16

you speak to Mr. Kileen instead of Mr. Sweeney

12:36:47 17

at that time?

12:36:50 18

MR. CERA: I object to the form.

12:36:53 19

A CI had owned a very large stake

12:36:55 20

in BPI, would have been involved in the matter

12:36:58 21

in some form or fashion, and I wanted to

12:37:02 22

understand that he did know about the case and

12:37:05 23

what he knew about the case, just very general

12:37:11 24

what's out there.

12:37:16 25

Q Do you remember specifically

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Q Do any agreements exist between any of the BPI entities and CI Mutual Funds to the extent there is a recovery in this case?

A Any recoveries in this case would be allocated to the clients themselves, not to CI as an entity.

So there are no formal agreements, but I think it would be against our fiduciary duty to pay any kind of recoveries in any other fashion than would benefit the clients that were injured during the class period.

Q So, there are no formal agreements regarding the payment of the recovery?

A There are no formal agreements.

Q Moving to request number 5 on Page 5, documents concerning Plaintiff's prior involvement with legal or regulatory proceeding involving the federal securities laws.

What steps were taken to respond to this request?

A Counsel was the individuals involved with fulfilling this request.

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14:46:31 2

Q (Continuing) -- whether you

14:46:32 3

have any personal knowledge of any of the

14:46:34 4

allegations in the Complaint?

14:46:38 5

A If your question is asking me

14:46:40 6

whether I am aware of the specific allegations

14:46:43 7

or any of the specific specifics of the case in

14:46:50 8

that layer of detail, then the answer is no.

14:46:56 9

Q Do you know who Peter Hemming

14:46:58 10

is?

14:46:59 11

A I believe Peter Hemming is the

14:47:00 12

Comptroller of Sonus.

14:47:06 13

Or was the Comptroller, I'm

14:47:08 14

relatively sure he's not today.

14:47:13 15

Q Do you have any personal

14:47:14 16

knowledge of any of the allegations that are

14:47:16 17

made against Mr. Hemming?

14:47:19 18

A I do not.

14:47:57 19

Q Who is the individual at BPI or

14:48:06 20

Trilogy who has primary oversight

14:48:09 21

responsibility for this litigation?

14:48:17 22

A How would you define oversight?

14:48:21 23

Q What do you understand by that

14:48:22 24

term?

14:48:24 25

A If you mean the ability to make

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14:48:26 2

decisions on a going forward basis, would that

14:48:30 3

be a fair -- so if something were to come about

14:48:33 4

that required a decision by BPI or Trilogy that

14:48:38 5

this person would have that ability, is that --

14:48:41 6

Q I will take that.

14:48:42 7

A I would say the two individuals

14:48:44 8

that I report to, both Carol Holley and Ryan

14:48:47 9

Burrow, would be the people that I would look

14:48:50 10

to inform, in conjunction with counsel, what

14:48:56 11

our potential decisions are and then depending

14:48:59 12

on what they felt, they could then make that

14:49:04 13

decision.

14:49:05 14

Q Do you have any understanding as

14:49:06 15

to how much time either of those individuals

14:49:08 16

have spent providing such oversight for this

14:49:10 17

litigation?

14:49:12 18

MR. CERA: I object to form.

14:49:19 19

A No, I don't know offhand.

14:49:33 20

Q Do you understand that either

14:49:34 21

you or those individuals have such

14:49:40 22

responsibility to oversee the conduct of lead

14:49:43 23

Plaintiff counsel?

14:49:44 24

A Yes, we understand that we need

14:49:48 25

to watch over the case to make sure the case is

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progressing in a reasonable manner, to stay involved.

Q You mentioned the May 2006 order of the court previously, do you remember that?

A Yes.

Q Are you aware that the Section 10(a) and 10(b) (5) claims against my client were dismissed?

A I do -- I was made aware by counsel that several claims for both Mr. Amed and Mr. Nill were not upheld by the judge, but that it's my recollection that several of the issues were allowed to proceed.

MR. CERA: Can I hear the answer back, I just didn't hear.

(The answer requested was read back by the reporter.)

Q Which claims are you aware that survived the motion to dismiss?

A I am not aware of which claims were allowed to survive.

Q Is there anyone within either Trilogy or BPI that would be aware of the status of the case vis-a-vis what claims have

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1
14:51:30 2 **been upheld and what claims have been**
14:51:31 3 **dismissed?**

14:51:32 4 A We rely on counsel to keep us
14:51:34 5 apprised and to tell us what we need to know in
14:51:40 6 relation to the case, to provide us with an
14:51:43 7 appropriate QA, both, we can ask counsel where
14:51:55 8 the case is proceeding.

14:52:25 9 Q **Are you aware of how BPI Global**
14:52:37 10 **came to engage the Gold Bennett firm?**

14:52:42 11 MR. CERA: That was asked and
14:52:43 12 answered previously. You can go ahead
14:52:44 13 and answer.

14:52:45 14 MR. MATULE: It was some time
14:52:46 15 ago. I ask your indulgence.

14:52:48 16 A I was not affiliated with BPI at
14:52:50 17 the time, so I do not know the exact procedures
14:52:52 18 that we went through to engage counsel.

14:52:57 19 Q **Have you since come to know?**

14:53:00 20 A I, upon taking over my portion
14:53:05 21 of the case, taking over the responsibility to
14:53:09 22 keep the members of Trilogy informed and
14:53:12 23 follow-up on the case, did have a discussion
14:53:16 24 with counsel about themselves, their
14:53:20 25 qualifications and the case as it stood so far.

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14:53:30 2

MR. MATULE: Can you read that

14:53:31 3

answer back.

14:53:32 4

(The answer requested was read back

14:53:32 5

by the reporter.)

14:53:54 6

Q Not wanting to get into the

14:53:56 7

conversations that you had with counsel, have

14:54:03 8

you since you became or have taken on the

14:54:07 9

duties that you have taken on in connection

14:54:08 10

with this case, either in conversations with

14:54:13 11

Mr. Sweeney or Mr. Kileen, come to any

14:54:16 12

understanding as to how the Gold Bennett firm

14:54:21 13

became counsel for BPI?

14:54:24 14

A I have not discussed the matter

14:54:25 15

with either of them.

14:54:34 16

I'm sorry, I have not discussed

14:54:36 17

that question with either of them.

14:54:50 18

Q To your knowledge, is BPI

14:54:53 19

responsible for the payment of any costs in

14:54:55 20

connection with the litigation?

14:54:59 21

A Per -- it's my understanding

14:55:01 22

that per our letter agreement with counsel BPI

14:55:04 23

is not responsible for those costs.

14:55:30 24

Q I will ask you to dig out from

14:55:32 25

in front of you Exhibit 5 which is the initial

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disclosures. I direct your attention to
subpart B.

In (v) there is a reference to
SEC interview transcript. Have you ever seen
such a document?

A No, I have not.

Q Did you review this document
prior to it being signed and submitted by
counsel for lead Plaintiff?

A I had not seen this document.

Q Do you know if anyone from lead
Plaintiff reviewed this document prior to it
being submitted by lead Plaintiff's counsel?

A I don't know.

Q If not yourself, would either of
the two other individuals that you mentioned --

A Carol Holley or Ryan Burrow.

Q (Continuing) -- have reviewed
the document?

A No, they would not have, they
would not have reviewed it first. By first, I
mean before me.

Q Do you know who Michael Peruse
is?